



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Respiratory Care
124 Halsey Street, 6th Floor, Newark, NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45031
Newark, NJ 07101
(973) 504-6485

SOMERSET CONFERENCE ROOM 6TH FLOOR

PUBLIC SESSION MINUTES

August 4, 2015

FINAL

The March meeting of the New Jersey Board of Respiratory Care was convened in accordance with its notice to the Lieutenant Governor, The Bergen Record, the Trenton Times, the Courier Post and the Star Ledger and was conducted in accordance with the provisions of the Open Public Meetings Act.

Chairman Capek convened the meeting at 10:00 a.m. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Kenneth Capek
Edwin Frost
James Brophy
Christopher Lange

EXCUSED: Michael Brown
Janet Castronovo

Also in attendance: Virginia Class-Matthews, Deputy Attorney General; Rachael Glasgow, Regulatory Analyst; Dorcas K. O'Neal, Executive Director and Bernadette Augustus, Staff.

Public attendance: Joseph Goss and Betsy Thompson.

APPROVAL OF MINUTES

I. a. The Board reviewed the Public Minutes of March 3, 2015. **On a motion by James Brophy, seconded by Christopher Lange, the Board unanimously approved the Public Session Minutes as corrected.**

II. OLD BUSINESS/REAGENDIZED

a. **Request for Proposal (RFP) Continuing Education Audit- Francine Widrich was to present the requirements. The Board would like to invite Ms. Widrich to attend the next meeting.**

III. NEW BUSINESS

- a. **The Board discussed the approved CEU Summary, submitted by Chairman Kenneth Capek. Reagendized for further discussion.**
- b. The Board reviewed a letter from **Vinay Bhupathy of SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**, inquiring as to whether A New York respiratory therapist can transport a critically ill patient out from a New Jersey hospital to a New York hospital, accompanied by a New Jersey licensed ambulance and a New Jersey licensed ambulance therapist. During transport, the New York therapist cares for the patient. **The Board determined that it is permissible for such transport of patients to take place.**
- c. **The Board reviewed Division of Law Billing for the 1st and 2nd quarter of Fiscal Year 2015, as informational.**
- d. The Board reviewed a letter from **Rose Litterini, Respiratory Care Department Educator, Hackensack University Medical Center**, requesting approval of Performance Based Competence Assessment Course, (1 CEU) on a new non-invasive ventilator.

This matter was been reviewed by the Sub-Committee prior to the Board's meeting. A letter was sent to Ms. Litterini, June 29, 2015, advising her, that pursuant to N.J.A.C.13: 44F-10.2A Performance-Based Competency Assessment Approval Determination of Credits, she met all of the requirements and that her application was approved.

This matter was reviewed as informational.

- e. The Board reviewed **BRIGHT STAR - Board Meeting Services February 2015 Monthly Report, as informational.**
- f. The Board reviewed a fax from **Maggie Lester, Burr & Forman LLP.**, inquiring as to the scope of practice of respiratory care and the drop shipping of CPAP with a Kentucky licensed respiratory therapist on call.

The Board determined that, pursuant to N.J.A.C. 13:44F-3.3 (f), the licensed respiratory care practitioner who delegates tasks set forth in (d) above in an outpatient setting shall ensure a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9 (c), takes place within 24 hours of delivery of the equipment to the patient for the purpose of conducting an in-person assessment of the equipment. The follow-up visit shall be documented in writing.

- 1. **The documentation of the follow-up visit shall be maintained for all patients during the course of respiratory care, and for a period of one year following the termination of respiratory care services.**

2. The documentation of the follow-up visit shall be available for the Board's inspection on the business premises of the licensee or person exempt from licensure who conducts the follow-up visit, within 12 business hours of the Board's request. For the purposes of this section, "business hours" is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday.

Querist will be so advised.

- g. The Board reviewed the **Division of Law Billing** for the 3rd quarter of Fiscal Year 2015, as **informational**.
- h. The Board reviewed a fax from **Rashmi Thareja, LUEL Corp, Family Medical & Surgical Supply Center, Jersey City, New Jersey**, inquiring as to whether Nebulizers and CPAPs can be dispensed without having a respiratory therapist on staff.

The Board determined that, pursuant to N.J.A.C. 13:44F-3.3 (f), the licensed respiratory care practitioner who delegates tasks set forth in (d) above in an outpatient setting shall ensure a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9 (c), takes place within 24 hours of delivery of the equipment to the patient for the purpose of conducting an in-person assessment of the equipment. The follow-up visit shall be documented in writing.

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Querist will be so advised.

- I. The Board discussed the Difference Between State Licensure and NBRC Credentialing. (Submitted by James Brophy), as **informational**.
- j. The Board reviewed a sample letter and an email sent to the Chair of the Board from **John A. Rutkowski, MBA, MPA, RRT, Program Director, Respiratory Care Program, County College of Morris, New Jersey**, for students of the Respiratory Care Program, (CoARC # 200153), stating that students have completed requirements of the Respiratory Care Program.

After reviewing all relevant documents, the Board determined that modifications to the letter are necessary to comply with requirements. The letter must certify that all requirements have been met and must be signed by the Registrar of the County College of Morris, with the seal of school affixed. Mr. Rutkowski will be so advised.

- k. Letter from John Colton, Compliance Officer, American Medical Equipment (AME), inquiring as to what special licensing requirement is required in New Jersey for their Hospice Program. The Board determined that Mr. Colton's question should be directed to the State of New Jersey Department of Health. A copy of the regulations will be sent to him.**
- l. The Board reviewed the Division of Law Billing for the 4th quarter of Fiscal Year 2015, as informational.**
- m. The Board reviewed a fax from Mallory Lasch, RRT MHA, Director of Respiratory Therapy, Special Hospital of Central Jersey, inquiring as to whether the Scope of Practice of a Respiratory Care Practitioner permits a therapist to administer narcotics. The Board determined that based on the limited facts presented, more information and clarification is needed. Also nothing in New Jersey State Board of Respiratory Care regulations defines drugs and medication. Querist will be so advised.**

IV. LEGISLATION/REGULATIONS/SUNSET

- a. The Board reviewed N.J.A.C. 13:44F-4.4, Division of Consumer Affairs New Jersey State Board of Respiratory Care Credits towards Licensure for Education, Training and Experience Received while Serving as a Member of the Armed Forces. N.J.A.C. 13:44F-4.4, adopted February 3, 2015.
- b. The Board reviewed N.J.A.C. 13:44F-3.3, Division of Consumer Affairs State Board of Respiratory Care Delegation by a Respiratory Care Practitioner to Unlicensed Persons. Adopted Amendment: N.J.A.C. 13:44F-3.3. Adopted October 7, 2014.
- c. The Board reviewed **SENATE, No. 2401** - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act." **The Board already looked into Senate Bill No. 2401, October 7, 2014.**
- d. The Board reviewed N.J.A.C. 13:44F, Notice of Readoption State Board of Respiratory Care - Effective date: March, 4 2015. **(SUNSET)**
- e. The Board reviewed N.J.A.C. 13:44B, Notice of Readoption: Per Diem Compensation for Members of Professional and Licensing Occupational Boards. Effective date: March 4, 2015.

- f. ***SENATE, No. 2906*** -Introduced May 14, 2015, limits payments under health benefits plans to in-network amounts in certain circumstances; prohibits out-of-network health providers from charging carriers more than 150 percent of Medicare rate in certain circumstances.
The Board made no comment.
- g. **The Board reviewed *SENATE, No. 2859*** - Introduced May 7, 2015, Creates Office of Licensing, Grant-Making, Approval and Permits Efficiency Ombudsman and establishes task force on feasibility of online
The Board made no comment
- h. The Board reviewed ***CHAPTER 182*** - An Act concerning professional and occupational licenses, revising various parts of the statutory law and supplementing P.L. 1999, c.403 (C.45:1-7 et seq). Renewals and reinstatements.
Awaiting model from the Division of Law.
- I. **The Board reviewed Assembly, No. 4672** - Repeals law suspending certain license, registrations and certifications for failure to repay student loans. **On a motion by Christopher Lange, seconded by James Brophy, the Board supports Bill No. 4672.**
- j. The Board reviewed **SUBCHAPTER 5. ABANDONMENT OF APPLICATION. (Administrative)** **The Board made no comment.**

V. INFORMATIONAL/FYI

None

VI. PUBLIC COMMENT

None.

VII. OTHER BUSINESS

None.

There being no other business to come before the Committee in Public Session, on a motion by James Brophy, seconded by Edwin Frost, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel and to hold one investigative inquiry and to review thirteen items of old business.

The Board reconvened in Public Session. **The following disciplinary action was taken and is being reported in Public Session.**

- a. **I/M/O JOSEPH A. CRITELLI** - Filed Consent Order of Voluntary Surrender of License dated April 6, 2015. Respondent was discharged from the staff of Community Medical Center, Toms River, New Jersey, due to allegations of professional misconduct

which relates adversely to patient care or safety in that he had inappropriate physical contact while treating a patient in the patient's room.

- b. I/M/O ROBERT FORD Jr.** -Filed Consent Order of Administrative Action, dated April 6, 2015. On November 19, 2013 in the Superior Court of New Jersey, Criminal Division Camden County, New Jersey under indictment No. I-13-05-1708, Respondent pleaded guilty to, and was thereafter convicted of eight counts of robbery in the first degree and one count of kidnaping in the second degree.
- c. I/M/O STEPHEN ELTRINGHAM** - Filed Consent Order of Administrative Action, dated June 10, 2015. Respondent was terminated from his position of Respiratory Therapist at Saint Claire's Healthcare System, Denville, New Jersey for failing to monitor a ventilator for patient K.M., who was in distress and later expired.

The next scheduled meeting is September 1, 2015. There being no other business to come before the Board, on a motion by James Brophy, seconded by Edwin Frost, the Board adjourned the meeting at 3.00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

